

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-220915.2 DATE: January 13, 1986

MATTER OF: Sound Partnership--Request for
Reconsideration

DIGEST:

A protest file which was closed because the protester failed to file comments on the agency report within 7 working days after the protester received a copy of the report will not be reopened where the comments were filed late due to protester's failure to properly address the comments.

Sound Partnership requests that we reconsider our December 16, 1985, dismissal of its protest under Department of the Army request for proposals (RFP) No. DACA65-85-9-0002. We dismissed the protest because we did not receive the firm's comments responding to the Army's report on the protest or a request that the protest be decided on the existing record without additional comment within 7 working days after receipt of the report, as required by our Bid Protest Regulations, 4 C.F.R. § 21.3(e) (1985).

We affirm the dismissal.

Sound initially protested to our Office on October 25, 1985. By notice of the same date, we advised Sound that the Army's administrative report on the matter was due on December 3; that Sound's comments on the report were due 7 working days after it received the report; and that the protest filed would be closed if Sound did not submit its comments or an indication of its continued interest within that 7-day period. The notice further cautioned that we would assume Sound received the report on the same day our Office received it unless Sound informed us otherwise.

We received the Army's report on December 3. Because Sound failed to comment within the required period, we closed our file on December 16. Sound now requests that we reopen the file, insisting that it did comment on the

034282

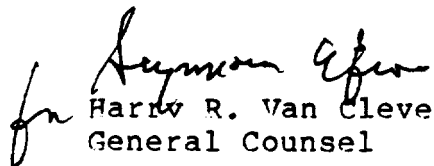
Army report. The record shows that Sound mailed its comments on December 11, via certified mail, to the Army, not to GAO where the zip code on the copy of the return address receipt furnished to us in support of the request for reconsideration was the Army's.

We did not receive the comments until December 23, when the Army furnished the comments to our Office.

We will not consider the merits of the protest.

Our Office must generally issue a final decision within 90 working days after the protest is filed, while the contracting agency is afforded 25 working days after notification of the protest to prepare its report. 31 U.S.C.A. §§ 3553, 3554 (West Supp. 1985). We must therefore strictly abide by the time limits prescribed in our Regulations to assure a speedy and just resolution of protests without undue disruption of the Federal procurement process. See Rampart Services, Inc., B-219884.2, Oct. 29, 1985, 85-2 ¶ 481. Further, our Regulations specify the address that must be used on protests in order to assure protesters that mail will be correctly received and routed to the office that is responsible for handling these matters. See 4 C.F.R. § 21.1(b); Neuromedics, Inc., B-208980, Nov. 8, 1982, 82-2 CPD ¶ 413. Sound did not follow the guidance provided by our Regulations and it must bear the consequences of its failure to do so.

Accordingly, our dismissal of Sound's protest for failure to file timely comments is affirmed.


Harry R. Van Cleve
General Counsel